

832 exclusive rights over her. Hence the proverb: Mbumba de nd de mbumba
 836 de la mbumba. "Mbumba fruit found under the tree have no owner; they
 839 belong to the first person who gathers them." Thus a girl for whom
 nothing has been paid belongs to no one. A woman free in this manner
 does not infringe on the rights of any man in her sexual relations. There
 are therefore no sanctions against her licentiousness.

846 Furthermore, the discovery of her activities gives rise to no
 849 drama. At most more serious parents will rebuke children who go too
 far -- the girls because they abuse the body and reduce their value
 for a prospective marriage (2), the boys because they (83) run the risk

856 2. Not that a smaller bride price would
 be given for them. But a serious man
 would rather not take a woman for wife
 who has "run around" a great deal and
 therefore is more likely to commit
 adultery, to be unfaithful, and less
 likely to become the mother of a numer-
 ous progeny.

of financial difficulties (the dangers of adultery, indemnity for child-
 birth with death as a result, etc.).

866 Public opinion is even more lenient than the parents. This
 869 attitude is easy to understand: strangers need fear no unpleasant con-
 sequences. Errors of this sort are generally considered natural weak-
 nesses, provided that they do not occur too frequently. For public
 opinion is hard on people who run from one to another; they are stigma-
 tized with the name chabba, "unfaithful, flighty, without intelligence
 or reasoning powers," or changa, a stronger term with the same mean-
 ing.

876 From all the foregoing should we deduce that every woman is
 free to indulge fully in fornication? On the basis of the above con-
 siderations we could frankly conclude the affirmative. The behavior
 that can be observed from day to day fully confirms this answer.
 Some people stray more or less accidentally, but for others the prac-
 tice quickly becomes a habit. And it can be said of all of them that

584 not a woman become bompfka through the payment of the ikulf? That is what I had always understood, and it seemed logical to me. But in the course of a discussion on the subject, natives contradicted me and said that I was entirely mistaken. I could not make them accept the idea that although a woman is called bompfka when she arrives in her fiancé's clan, she actually becomes bompfka with the official payment of the ikulf, so that nothing but a manner of speaking is involved. They said, "No, as long as a woman has not gone to her husband she is not bompfka."

"But after all," said I, [116] "a very minor difference is involved; the essential thing is in any case the payment of the ikulf."

"It is true that a woman belongs to her husband from the time the ikulf is paid, but she is nevertheless not called bompfka. She is not given that name until she leaves her parents and goes to her husband's home."

"But why?"

• [62] "Because otherwise the man runs the risk of being mocked and ridiculed. Suppose that after the ikulf he comes back home alone. His future wife is to join him in a few days. He announces the great news to his friends. Then on the day set she does not appear. What shame for him! On the other hand, if everything is kept secret until the moment when no change is to be feared, there are only cries of joy."

On the other hand, this data should be related to the indisputable fact that the payment of the bride price alone very seldom establishes a marriage according to the laws and customs of the various peoples of the Congo. There is almost always another ceremony which in most cases is the handing over of the woman. Because of these facts we are inclined to consider the explanation of the Nkundo, an explanation of convenience which shows the practical aspect of the rule but does not account for it. It actually does not explain why a woman does not become bompfka from the time of the payment which establishes the engagement. On the other hand, it is undeniable that she is not given that name until she has arrived at the home of her husband. It is possible that the fundamental reason for this phenomenon has been forgotten or lost sight of by the natives. The explanation which fits best with the facts that are certain is that the essential

62 continues a bride price, it does not bear that name because its legal
542 significance is not the same. The specific name for this particular
50 payment is isongyamboka, from -songya, "to add something new"
and mboka, "path." Thus the new husband adds a new alliance. The
verb songa or songya is also used under other circumstances: for a new
tile or leaf that is added on to a damaged spot on a roof, for a patch
on a piece of clothing, or for something that has been newly intro-
duced. The term therefore seems to indicate that what is involved is
not a new marriage but rather a modification grafted on to the old one.
Furthermore, the term is often used pejoratively. One may thus sup-
pose that this custom is not very ancient, but of course the evidence
is not sufficient.

513⁵ It is apparent from the above that the purchase of a woman is
422 a difficult and expensive operation. A kind of second bride price
(isongyamboka) and a second wife (imukambenga) cost quite a fortune.
In the past the purchaser also had to pay indemnities to the families of
men killed in combat (he might have had to pay as much as 100 rings,
for the price of one "corpse" was 15 to 20 bakonga, the monetary value
of a man) (1). One gets the impression that, though for reasons un-

[12] 1. Five dead were an enormous number in
this sort of "war."

known to us the tribes in question permitted the exchange of women
in their laws and customs, they did so unwillingly, and that the per-
sons in authority increased the difficulties, so to speak, in order to
frighten the amateurs and to reduce the number of cases to an inescapa-
ble minimum.

One might wonder why men do not hesitate in the face of such
great financial difficulties. Psychologically, it seems entirely plausible
that a man who is in love with another's wife and has the necessary
wealth would in his passion throw himself into such an adventure.
Probably that is how the practice originated. But this likelihood does
not explain the existence of a purchase, since the breaking of the first
marriage and the commitment to a new one could just as well be

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781 carried out by the ordinary means of the payment and restitution of
a bride price.

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589 At the present time cases of purchase are becoming increasingly
622 rare. This change is probably due to a wider distribution of wealth
which has produced a second change, namely that the man makes the
initial proposal rather than the woman, who did so according to the
ancient custom.

The woman's invitation is public. The man must reply for the
sake of his honor. As in the case of an exchange among the Bodys,
he can only escape mockery by following through. If he did not, he
would be considered a coward. He would be treated as a pariah; his
wife (wives) would leave him, and he would no longer be included in
the company of his fellows or at their meals.

Although strictly speaking the matter is outside the limits of
this study, it seems to me that it is not irrelevant to mention, for the
sake of comparison, that wife purchase is also practiced among the
Ntombé (Wadgats, Ikongo) and the Bofngé (or Bofiji) between the
Congo and the Boloko. They call it by the same name -- isombé,
"purchase," and the man who buys is bosombé, "purchaser." The
woman always invites the man by sending him a piece of the ribs of
a banana leaf, called a bonengé. She does this publicly; she hands
the bonengé to a relative or friend and says to him out loud and in
front of everyone, "Take this bonengé to so-and-so for me, so that
he will come and buy me."

[79] The same custom still exists in certain Ekonda settlements
under the jurisdiction of the Bikoro station, such as the Lonyanyanga,
Bosango, Balingo, Babonja, etc., but not in the others, which are
within the territory of the Kiri (Bull) station. It is called ehombaka
or esombaka (the root and [222] the meaning are the same as those
of isombé and isombé). Since these peoples are neighbors of the
above-mentioned Ntombé and of other Ntombé living near the lake
which bears their name (in a distorted form) and since, on the other
hand, the rest of the Ekonda do not know this custom, we may assume
that it was introduced to them by their neighbors to the north and to
the west.

578⁹ Polygamists as well as some monogamists have a kind of shed where
579 they receive their friends, take care of their affairs, eat their meals,
etc. (1)

1. Such a shed is called enamba by the
Bembwanja, ingfmba by the other tribes.
The Beloko, like the Mfimbé and Baidjé
located between the Congo and the Beloko,
say lungfmba. The Ekanda say ewfaga.

(15) A man who is frequently found in the kitchen or who likes to
rest there is the butt of ridicule by both men and women. He is
called ikfmbelings (derived from belings, "smoke," and ikfmba,
"to dodge, to turn the head away in order to protect the eyes against
smoke").

2. Illness

578³ A wife is required to nurse her husband if he is ill, together
579 with his other wives if he is polygamous and, in case of serious
illness, with the aid of his female relatives (mother, sisters). Even
if they are married and living at a distance, they come to take care
of a brother or son; it behooves their husbands to be reasonable and
not to try and forbid their absence or prevent this exercise of their
duty, for otherwise a man runs a great risk of seeing his wife leave
him for good, outraged by this demonstration of his lack of affection
for her family.

Together the wives and relatives seek medications and pre-
pare the appropriate potions.

When a wife is ill the husband's female relatives usually
come to see her, console her, and administer what care they are
capable of giving; as a rule they are well disposed toward the
wife of their son, brother, etc. The husband, for his part, must
seek medications and help his sick wife. I recall a great palaver
apropos of this question. During the illness of his wife Efent, a
certain Bokangé continuously had relations in his hut with another
woman. The matter became public. The guilty husband was

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93³ themselves of the usual and ordinary obligations incumbent upon them on the death of a son-in-law. Should this be taken as a kind of implied condemnation of suicide? [278]

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93¹ The wisdom of the elders recommends to youth that they not let anger lead them to brutal acts even where, legally, it is permissible to use force. They do not act in such a way through a policy of adaptation to the present regime. Even before the arrival of the white men, they gave lessons in calm and self-mastery. For serious blows, wounds, and especially homicide could have deplorable consequences legally and even politically (war). They preferred recourse to punishments, such as abstention from food and the refusal of debitum conjugale, which although less violent, are not without efficacy. In that way they were also spared the vexation of in-laws, whose pity would be aroused by the wounds and bodily suffering of their child or sister.

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93³ One thing that deserves blows or a good whipping because it is considered a serious failure in the fulfillment of the duties of married life is indifference and negligence in housework. A husband may safely deal forcefully with the situation, although he must first inform the qualified authorities. The following are some examples of such faults: the wife does not give the necessary attention to the kitchen, her children, the cleaning of the hut and court; she neglects her crops, does not go fishing, makes no attempt to obtain salt, etc.; in short, she does not give the required time and care to the tasks incumbent upon her. She herself, her children, and her house remain disgustingly filthy, her fields and banana groves are invaded by weeds and her pantry is devoid of utensils and food, while she wastes her time doing nothing or rather spends it running about the village, going to one woman's house, chatting with another, spending the better part of her day gossiping. The Nkundé does not put up with this sort of behavior, and no one can reprehend him. Even other men and the woman's companions condemn [279] such conduct. Often the woman is ridiculed, and on occasion she may hear unflattering comments such as bimot'w'asold, efals gogogamaka, "a gossip, her cloth is to the side," that is, the interminable chatting

Article IV

Relations Between the Wife and Her Family

537^A Through marriage, a woman does not enter into her husband's
674 family. She continues to belong to her own clan of origin and continues to submit to the special regulations [284] of her family (bokumo) (1) The bokumo pertaining to parturition is excepted, for

1. The bokumo are special regulations governing a given clan, particularly prohibitions against partaking of certain foods (animal or vegetable) always or only at certain times. The punishment for a transgression is a kind of itching which covers the whole body. One might think this is cutaneous, but the idea of kinship to the forbidden being is entirely absent.

because of the child she must observe the bokumo of her husband's clan in this realm.

537^A Although the wife is completely dependent on her husband
574 for everything else -- work, property, etc. -- she remains bound to her own parents by obligations of respect, love, and assistance. She has to visit them from time to time, but too great a frequency in these visits meets with disapproval. It is impossible to give a rule defining the proper number. The answer must be provided by good sense. Sensible people prefer that the wife not make too many of these trips. Even her own parents want this to be so. For repeated attentions of this sort are considered evidence of a lack of love and attachment for her husband.

Women who very faithfully stay in their homes and only rarely visit their parents, sometimes yield in face of the teasing of their companions. For the Nkundu is very sensitive to spiteful comments of that kind. Among current expressions there is one that has become a popular saying and is sometimes sung during dances:

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579 stuwid lifa otwila'old, bafidolaka mitch'ly'old la ngam'a nkid.
"If you are married go back to your parents, or you will be taught
the way with drums and gongs," that is, "when you are dead." (3)

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2. A woman is buried in her own native clan.
Her corpse is transported there to the accompani-
ment of drums and horns. The lokold gang an-
nounces her death.

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602 A married woman may not evade the duty of helping her
relatives under special circumstances (pregnancy, illness, serious
accidents, death). This obligation [285] is not limited to her
mother and father, but extends to all her relatives; the closer the
degree of kinship, the stricter the obligation.

Besides, love of family is sufficiently developed so that there
is no danger of the woman forgetting herself too much in this realm.
And a husband who would like to prevent her from fulfilling these
elementary duties would be much criticized by all and should ex-
pect a dissolution of the marriage.

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577 It was said above that a husband builds a hut for his wife.
His relatives often assist him in this task. But it also happened --
in the past, for colonization has removed the possibility of it -- that
the woman's father wanted to build his daughter's house himself or
at least to make the pavement out of clay brought from her native
land. This act was a demonstration of wealth and politico-social
importance as well as proof of fatherly affection. The husband, for
his part, was honored to have married the daughter of such an im-
portant man and loved her all the more. Thus a number of women
say that "they only cooked on ancestral soil." This soil was brought
in baskets across distances up to 50 kilometers by Batwa and by men
of the woman's clan or village. Her father could do it because of
his great influence and regal rewards (bokondo, verb konda) were
distributed during a feast (ntake) given for the workers and their rela-
tives after the task was completed. This was done for Bompeli,
daughter of Bokombe of Litili (Bombwanja) married to Bonyerne
w'enyuka of the Basika Mbangó (Bonkoso); for Beluka, daughter of

66 the relations between a wife and her husband's parents are closely
65 connected with the rules pertaining to the prohibition related to affinity
and seems to spring from the same source. Therefore it will be use-
ful to have in mind what we have said in the preceding chapter,
Article IV.

The husband's elder brothers treat his wife as their sister.
607 The wife calls her husband's sisters [300] bakila, but out of respect
she often gives them the title of "mother." (1)

601 1. Among the Elong the wife also calls her
husband's sisters hongili (pl. hangili); they
call her hiongili (pl. hiongili). A wife
often calls her husband's mother nyangongili.
hiongili / hiongili means "the brother's wives
and their sisters-in-law."

587 After the husband's death, as has been said supra loco, his father
or his brother may marry his widow. But this practice is not well re-
garded and is permitted only rarely, chiefly when the scattering of
the family patrimony is feared or if the two interested parties have
an unusual love for each other.

897 With respect to children or younger brothers and all those who
602 fall into that category, the situation is altogether different. Illicit
relations with wives of their father, grandfather, uncle, elder brother,
or elder cousin, are judged much less severely. Generally, miscon-
duct does not give rise to claims for payment, or the payment is de-
manded "for form's sake" and consists of a hen and a bunch of
bananas. By means of this payment the guilty one recognizes his
error and renders homage to the right of his elder.

624 In general public opinion condemns these relations and often
with great severity. The question of degree of kinship as well as other
considerations result in a great diversity among the cases, so we will
examine each situation separately and distinguish each time between
the husband's reaction and that of public opinion.

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A. A woman's misconduct with her husband's son does not result in the payment of an indemnity. Nevertheless, the husband who has been wronged takes action; he defends his rights and is enraged, whether the situation is very serious or not, and especially if he is monogamous. If he has several wives, he is more apt to pass over the matter, unless it involves his favorite. Sometimes he takes revenge by striking the guilty son's mother, taking her home away from her, etc. But such action may lead to complications: [301] the brother of the woman so treated might intervene, and if the reaction of the husband who has been wronged is too violent or recurs too often, a divorce may result. In any case the father never harms his heedless son's wife, since he loves her like his own daughter.

The father may apply a direct sanction against the offender by delaying the acquisition of a wife for him and refusing his blessings for his son's travels and undertakings -- still a serious thing in purely native society.

Such relations are always greatly criticized by public opinion, even if relatives intervene on the culprit's behalf. The latter is disgraced as a result; he is mocked with the epithet esfonjfo, to which often is added the explicative phrase i'ofia banyang b'ningi.

Esfonjfo is derived from efo, "masculine clothing" and, figuratively, "virility in the physical sense," and from fo, "strength." Thus the epithet implies that the culprit is so virile that he goes so far as to unite even with his brother's mother.

Marriage with the father's widow after his death is legitimate. Nevertheless, if the widow has left children, public opinion does not entirely refrain from judgment and though the severity of the criticism cited above will be attenuated, it may still be heard. Such was the case of Yoka of Bokenyola (Bonjoku), which is well known in this region. He married Lokok, widow of his father Imfo y'Okstola and mother of Imfo Antoine, present chief of the Bonkoso. (1).

1. With reference to the above-mentioned attitude, an exception must be made with regard to the inheritance of a widow by right

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of minority (she is then called hondib -- see Chapter III, Article III). The giving of a widow who is in the position described is preferably avoided.

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Illust relations between a son and his father's wife are judged with especially great severity if the young man's own mother is still alive. He is reproached for his behavior in terms which are clear and crude: Oky Bangonyo mbindo [i.e. mbindo y'u S nyang], "you unite your status (impurities) with those of your father and [his] mother"; Quif fa'iki w'i wimbudid, "you are returning from whence you came." To these expressions is often added dwa m' d'i chab' ilika, "you will die because of your too great wickedness." To the [57] Hhundu this last statement is a kind of curse, and if it is repeated by several persons it will not fail to have its effect. Or, to speak as our people do, if everyone greatly waits over and against this man, he will really die. (1)

1. This attitude of the Hhundu may be one of the reasons why widows are assigned not to the son of the deceased, but to his brother.

If the son in question is not married, especially if he has already reached a relatively advanced age, and if he approaches the wives of his polygamous father, the matter is considered less serious. The latter cannot be too angry, especially when only isolated instances are involved; for other relatives will allow their affection for this young man to speak, since they are aware of his passion and therefore understand his temptations and follies. They would intervene to pacify the father and urge him to prevent the repetition of such occurrences by obtaining a wife for his son. In exceptional cases the family council may even judge the father to be in the wrong because of his harshness toward his son and may allow the latter to take his father's wife away from him (never, however, the first wife, the favorite, or the hondimbu): such was the case we described in

Chapter II, Article XI, 2. But such a situation is far from ideal in Hahobart eyes and is permitted only if, on the one hand, the son ardently loves the woman and, on the other, if the father is too slow in obtaining a wife for him.

Here then we observe a conflict between two feelings: a husband's jealousy and the affection of a father and various relatives. That is why it is difficult -- as in many situations -- to draw the line between what is permitted and what is forbidden. From what has preceded and from the general explanations given by natives, we can conclude, however, that: (1) relations between a woman and her husband's son are forbidden and severely judged; but with much more leniency than in the case of "superior" relatives; 2) the father may not go to extremes in repressing misconduct nor ask his own son to pay an indemnity, since to do so would be to enrich himself through his child's misbehavior, and the latter would have no means of paying him except through him or his mother's clan -- and it would be very unjust and inappropriate to force him to have recourse to the latter.

B. A younger brother calls his elder brother's wife wife, or wife, and she calls him brother, or husband, because they may marry one another. Therefore adulterous relations may also be found among them. But in practice some distinctions must be made.

If the younger brother is not married and the elder one has a harem, -- a state of affairs which was very common in the past but today is very rare -- the situation is analogous to the one described above in relation to a father's wife except that there is greater indulgence toward the culprit.

If the elder brother is monogamous and the younger brother a bachelor, relations of the latter with the former's wife when the husband is present are forbidden. If the younger brother nevertheless yields to the temptation, he is condemnable. The husband may not claim an indemnity. But in revenge he may procure for himself a "make-believe indemnity" (nyongo of bolilamby) by felling one of the culprit's banana trees, taking away his chickens, moving his hut, taking some other similar action. The purpose of these acts, according

604 An uncle (see D above) is not entirely free to cure his nephew's
 607 (F) pansion unless he is the nkulu of his sister (F), that is, unless the
 608 mother (C) of his sister (K) is the nkulu of his aunt (B) [307] who is the
 609 sister of his father (A). Indeed in that case his sister may not complain,
 for she owes him respect and submission; her subordination to her
 brother and mother is greater than the gratitude he owes her for any
 riches he may have obtained through her or on her account.

603 D. In the case of the relationship of a grandson (nkulu) to
 607 his grandfather's wives, his freedom is, in practice, complete. Actu-
 ally, among the Nkundu the affection of a grandfather (nkulu) for his
 own grandson often exceeds his love for his own son and completely
 degenerates into weakness. (1) The grandfather puts up with all his

1. As happens very often also in Europe.
 See Chapter I, Part 1, Article I, 3.

grandson's carryings-on, his whims, all his teasing, his insults, etc.

After illicit relations the grandson sometimes carries his
 insolence so far as to spontaneously send his grandfather a "mock"
 indemnity in the form of a basket filled with stones in the place of
 copper rings.

606 Although the grandfather treats his grandson with good humor,
 607 public opinion does not favor the latter's conduct, though it is more
 608 lenient than in the cases described above. The public reaction, as
 well as the sending of the "mock" fine, shows that in principle these
 relations are censurable and condemned. Because of present circum-
 [14] stances, particularly marriage at an earlier age than in the past, the
 age difference between a grandson and his grandfather's wives has in-
 creased considerably in the constantly growing number of cases, and
 their relations have proportionately decreased. (2) [308]

[14] 2. We have seen above that other Nkundu
 tribes are even less strict in these matters.
 On the other hand, the Ekonda, a Nkundu
 group living on Lake Leopold II, have a

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higher morality -- in our terms. Among them the question of relations between a woman and her husband's son, younger brother, etc., does not even arise. Have they been influenced by some neighboring tribe? Or must we attribute the inferior morality of some of the tribes in this respect to decadence.

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The following conclusions emerge from this long descrip-

tion:

1) Relations between a man and the wife of his son, younger brother, etc., in short of anyone inferior to him in the family hierarchy, are always strictly prohibited and never occur.

2) They do occur on the other hand between an inferior and the wife of his senior and superior. The degree of kinship between the husband and the culprit plays a considerable role in determining the seriousness or triviality of an infraction, the sanctions applied, and the various consequences. Some relations are accepted, others are censured with varying degrees of leniency, still others are pitilessly criticized.

3) In these matters a distinction may be made between two aspects:

- a) the husband's reaction and the repression of the illicit relations;
- b) the judgment of public opinion;

or:

- a) the financial aspect;
- b) the moral aspect -- to use that term for want of a better one.

Sometimes a third element comes into play, namely the intervention of the family on the side of the culprit against the injured husband who, for one reason or another, is in the wrong himself.

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a) The usual sanction for adultery is, for the man, an indemnity to pay. But such a payment cannot be made since no financial transaction -- strictly speaking at least -- may be made

602 within a group of close kin, seeing that, from a certain standpoint,
837 property belongs to all the members, each sooner or later receiving
684 or inheriting from the other. But in cases where other sanctions can
be imposed, they are considered legitimate. [309]

626 b) Except in the case of relations between brother and sister-
937 in-law -- within the limits described above -- public opinion is
602 severe in its judgment, even more severe than for ordinary cases of
adultery, although because of the more tangible nature of the sanc-
tions imposed against the latter, these seem on the surface to be
considered more serious; many natives even have that impression.
Or at least that is the first impression that spontaneously comes from
their explanations; currently, they stress the indemnity, and in their
accounts of ancient proceedings and violent sanctions, they forget
the other aspect. Others do not distinguish between the two sides
of the problem, or distinguish between them only very poorly. Only
in going to the bottom of things do they -- like ourselves -- become
aware of the two aspects and the importance of not confusing them.

The leniency we observe in certain cases on the part of the
interested parties who have been wronged, and sometimes on the part
of public opinion, does not seem to us to have been explained as a
leniency based on principle nor as a legitimization of these relations
(except in the case of brothers within the limits indicated). They
seem rather to spring from the affection they have for the culprit,
their sympathy for his condition as a bachelor, a certain community
of interests, and finally from an evaluation of certain other elements
that may be involved (such as a fundamental jealousy in the case
of brothers).

602 The great distinction made by the Nkundo in this realm as
181 in others between inferior and superior relatives is based on their
conception of authority, which is patriarchal, therefore paternal.
What is involved is not so much a fear of power as a reverent awe --
although the first should not be excluded. In their eyes an inferior
does not exist for the benefit and advantage of the superior, but the
reverse; authority exists for the good of the inferior, who to preserve
hierarchy and order must submit to the [310] superior. The superior's
duty to help his inferior (in his difficulties, his palavers, his poverty),

684 The risk of being wounded, reduced to slavery, or killed, often cools the adulterer's passion. Therefore, the more the husband showed that he was fearless, violent, physically powerful, or of a high social position, the more his wives and their lovers were on their guard. Certain men were so jealous of one of their wives and so determined to take vengeance with extreme severity that the tempters did not even dare to think of approaching her.

2) The payment of an indemnity seems to be the standard sanction. It is the only one that remains legal at the present time; consequently it is coming more and more to the fore.

Any of the types of evidence examined above justify the claim for an indemnity.

The indemnity may be minimal, consisting of 2 to 5 copper rings, or heavy, going up to 20 to 30 rings or a slave. The maximum is always demanded for adultery with a favorite. The size of the payment depends on the persons involved, the relationships that bind them, the frequency of misconduct, and the nature of the action observed. For instance, if the husband catches the couple when arranging a meeting or exchanging gifts, the indemnity will be small; if, on the other hand, he has caught them in flagrante delicto, it will be high.

[624] A man who demands a high indemnity must expect to be treated the same way should the occasion arise. The application of the law of retaliation in that case is fully approved by Nkundó opinion.

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[609] In addition to the situations examined in the preceding article, there exists another which does not result in an indemnity claim. It arises if the culprit belongs to a clan of slaves or is in some other way subject or inferior (mpama or bowéle). (1) Even

1. Strangers who are settled with a tribe or group but are in no way related to them.

if the husband catches the culprit in the act, he politely asks him to go away and leave his house [321] and his wife: ontsikel' ilombe, njoya e! Here is true Nkundó courtesy in practice. It might

694 that she becomes accustomed to her husband's relations with various
 581 other women. Consequently, the reaction of the women in general
 562 [325] against adultery is much weaker than that of the men. More-
 over, because of this same system, a woman is much more exposed
 to weakness, and stronger sanctions are therefore necessary to insure
 her fidelity.

Finally, there is one last reason for considering a woman's
 misconduct as more serious. It is the danger of conception through
 adultery, with all the attendant consequences: risks for the pregnant
 woman, forced continence for the husband, etc. (1)

1. See no. 6 below as well as Chapter I,
 Part 2, Article IV, 3, and Chapter X,
 Article II, 3.

562 From the description of sanctions it is apparent that in spite
 684 of the woman's inferior position, Nkundó law does not leave husbands
 the full and complete freedom which, according to certain writers,
 they are accorded among other peoples. Even if the means of re-
 pression available to the wife do not incontestably prove that the
 husband has an obligation of conjugal fidelity -- and the wife's
 legal status explains a great deal -- the fact remains that the ndonga
 as well as public opinion approve of even her violent reaction,
 proving that she is right and the husband wrong.

5. Public opinion

626 Public opinion is fairly lenient in relation to isolated in-
 837 stances (yétsi, efongo). It clearly recognizes the error involved in
 infringing on the conjugal rights of another, but the error is
 attributed to human weakness. In the case of habit the situation is
 different; it is criticized frequently and severely. Habitual sinners
 [192] are called afóká (from the verb fafoka, literally "to flutter" and
 figuratively "to flirt"), ebóngá or ebábóngá (from the verb bábonga)
 or ebáboá (from báboa) "to flutter, to be flighty and fickle." These
 epithets are applied primarily to women, who are more subject to this
 failing than men.

626 The shame attached to the discovery of this sort of mis-
937 conduct in the better circles in Europe is unknown among the Nkundö.
This is natural since isolated instances are readily excused. As to
[152] the habitual offenders, they are sensitive [326] to the above-men-
tioned epithets but will not correct their ways on this account any
more than people in other parts of the world.

837 An adulterous husband is criticized as much as an adulterous
626 wife in spite of the difference in the means of repression which
684 Nkundö law provides for their respective misconduct.

Public opinion therefore corroborates the conclusion toward
which our examination of sanctions has pointed, namely that adultery
is condemned by the Nkundö. Opinion is not based on the existence
of the sanction but seems to spring from their innate mentality, which
makes them perceive adultery as a disorder.

6. Aggravating circumstances

837 If a case of adultery is followed by conception, it becomes
842 especially serious, and for the husband as much as for the natural
672 father. Indeed the latter must assume all the consequences. When
circumstances permit the husband makes his wife denounce her ac-
complice, and she does not refuse to do so. The husband then calls
a meeting and demands a pledge (ndanga) from the culprit, who in
that way acknowledges that he is at fault and shows his willingness
to assume all responsibility. If there is a miscarriage or the child
dies during delivery, the natural father must pay the legal father
an indemnity of "a slave" or more (sometimes 50 rings); a smaller
indemnity is required for a child who is only deformed or sickly. If
the mother dies the indemnity consists of a slave and 50 rings, and it
may go as high as 100 rings.

In the interim the husband no longer goes near his wife. He
leaves her to her lover, who must "preserve the foetus" and observe
all the rites and practices associated with pregnancy and childbirth,
since, physically, he is the father. (1) [327]

1. For fuller details see Chapter X,
Article II, 3. For analogous practices

595[^] a man and another's wife which is legitimate, regulated, officially
 37 acknowledged, and accepted. It is not a marriage; there is no bride
 price nor are there witnesses other than the woman herself; the
 wife does not belong to the secondary husband, and in case of a
 rupture of relations, there is no restitution of valuables however
 numerous they may be. A man who in this manner purchases the
 right to cohabit with the wife of another does so because of poverty;
 he does not have the means to pay a bride price for this woman or
 • [62] any other. Therefore he is disdained and scorned by his fellows.
 To a certain extent the husband and the lover share a common life:
 they give each other presents and food, help each other, eat to-
 gether, and call each other bakalé, the same name by which wives
 of a polygamist address each other.

Such a concubinage can last fairly long. It is usually diffi-
 cult to break, for the legitimate husband takes such a breaking up
 badly and considers it an injustice. If the husband is rich and influ-
 ential, it is dangerous for the partner to dissolve the relationship for
 he will have to count on the husband's wrath. Thus in the past such
 a union could continue for many years (in that case it was called
ghoké) until the lover (bonsámbe, pl. bansámbe) was rich enough to
 free himself. Often it continued for an entire lifetime, and the
 partner settled in the loánjá (a place occupied by a man and his
 wives) of the husband (linsámbe já njeléngwá, enjwáki); he thus
 became like the husband's child. Nowadays this custom has be-
 come much less common because of the freedom resulting from
 colonization as well as the greater possibility of acquiring wealth.
 This diminution shows that the practice is not ideal, even in native
 eyes, and is only a last resort resulting from the state of the distribu-
 tion of wealth.

A man who desires to live in concubinage with another man's
 wife has some relations with her in secret and then makes the matter
 public. For that purpose he gives the woman a knife or a few
bakonga to take to her [337] husband. Or he may even call a meet-
 ing of the patriarchs and pay the husband in front of them. To make
 a concubinage public in this way is called ója linsámbe, "to make

765 expected to attend. It is usually at this time that the negotiations occur relative to a replacement for the deceased (Chapter III, Article IV).

Article II. Seclusion of Widows

As I have described in the article cited, widows (bituka, sing. etuka, or, among the Bombwanja, besámanyi, sing. bosámanyi) are compelled to remain in seclusion for a long time. Before the ceremony of being lifted from the ground, they are ostensibly not permitted to go out. Later they are allowed more freedom; they can go everywhere to do their work, even to the markets. But they are required to spend their nights in the communal seclusion hut.

● [624] A widow who did not conform to these rules would meet with serious criticism. She would be said to have not loved her husband (and consequently suspected of having caused his death by sorcery). Moreover, she would be exposed to the avenging anger of the deceased, who would disturb her sleep, thrash her if she went to the forest alone, [422] or would even come to take her into the next world with him.

Insofar as possible all the widows are brought together in one and the same hut. To complete their separation from the world, the entrance is closed by means of a circle of palms, the same as for the seclusion hut of a nursing woman, a bolúmbú, or a woman possessed by the spirit of bongóli (yebola). This is to prevent widows from having relations with passers-by.

The name of the seclusion hut is lokásá (the same as the word for "leaf."). The Bombwanja use the word lokombí (from komba, "to shut," "to enclose"); the Injóló and the Boángí say lonkíndá. (1)

1. The Ekonda use the word itálé.

765 During the last period of seclusion, although the widows may
587 not be visited by lovers who wish to court them with the object of

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must go to the *monkeke* for their fight, this being the location of the houses belonging to the sons of the *nkumu*. The penalty for breaking this law is a fine, and if no fine were forthcoming hanging used to be the alternative. If a quarrel arises elsewhere and one party wishes to avoid fighting, he may retire to the *nongo* and thus be safe. No trees in the *nongo* may be climbed. There are, however, privileged classes exempt from all such rules, and these embrace a good many people. Thus, the mother of twins, twins, Batwa, *maumi*, and all members of the *molemba* and *ekopo* are exempt from the laws of the *nongo*. If any of these commit acts which are illegal for those coming under the law, they are not held guilty, but their actions will not be condoned; they will be considered breaches of good conduct, and will be dealt with informally; the parties will be quietly reprimanded, and adjured to observe the proprieties of conduct. For outsiders breaking the laws of the *nongo*, what corresponds to a warrant is necessary. It is necessary to catch the culprit in the act and hale him before the *nkumu*. The *nkumu* himself cannot do this, nor can any of the *ekopo*; it must be done by one of the *molemba*, and so if the *nkumu* sees someone infringing the law he will try to get one of the *molemba* on the spot in a hurry in order to catch the offender.

In war,¹ it is the *molomi o che* who is most active in preparations, but the *nkumu* will accompany his party to battle, keeping well in the rear, and surrounded by good fighters. He does not wear his *montolo* but puts on the informal hat. If an *nkumu* were captured, he would never be tortured or killed as were other prisoners, unless he specifically sought such a fate. He could be ransomed, and his captors would beseech him to let his people ransom him, but in many cases an *nkumu* would invite death rather than endure the shame of being yielded up as a prisoner of war.

An *nkumu* is always addressed by a double clap of the hands, and will not reply to anyone rude enough to speak to him first. In answer to the clap he replies with a word of wisdom expressed in an aphorism or proverb. Such a reply, however, is common to all elders, who have their favourite aphorisms ready for any who pay them special honour. Anything the *nkumu* says must be answered not by the customary *nko buiko* (even so) which ordinary people use, but with the special word, *bionga*, which is reserved exclusively for replying to an *nkumu*, and means the same thing.

When the hour of death approaches, an *nkumu* is attended by his Batwa. It is a rule that he must not die a natural death, and near the end, while he is still conscious and can still speak, all 'free men' clear out and leave the Batwa pygmies to their task of tying the *nkumu* very tightly with the fibrous yam vines known as *menkiki*. Often this secure lashing in the sitting posture, known as *ilima*, is sufficient to finish the *nkumu* off, but sometimes the work is expedited by twisting his neck.² Then it is announced that he is dead, *ookhiva*, this being in contradistinction to the customary phrase *ookuma moloko* used of the death of ordinary people. While the latter means

¹ Owing to the lack of tribal cohesion, warfare was not on any considerable scale. The method of warfare consisted in sending groups of young men to fight first, the elders only joining in when one side began to get the worst of the fray. Victors and vanquished in such fights were designated 'husband' and 'wife' respectively, and members of the one group were free to come and go in the villages of

the other, and even to help themselves to food. In future wars 'husband' and 'wife' were supposed to combine against their common foes.

² Besides *nkumu*, elderly and rich men, fathers and mothers of twins, and twins are buried in the *ilima* or sitting posture, in contradistinction to the *monopa* position which is the recumbent one used for ordinary people and slaves.